

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

15

DECISION

TOPIC

Notice of Intended Action: Chapter 40—Speed & Distance Zoning

The Commission is asked to approve the Notice of Intended Action to amend Chapter 40, “Speed & Distance Zoning,” Iowa Administrative Code. This amendment is being requested by the City of Burlington for the creation of a five mile per hour speed zone on the Mississippi River to be located within the City of Burlington. The area being proposed is a historic riverfront and also contains two municipal boat ramps and public dock areas. The speed zone will extend no further than approximately 150 feet west of the barge channel.

The City of Burlington is requesting this amendment to help preserve the aesthetics of the historic frontage as well as to protect the safety of the public who use the docks and boat ramp for water recreation purposes.

Lowell Joslin, Law Enforcement Bureau Chief
Conservation and Recreation Division
October 9, 2008

Attachment: NOIA: Chapter 40 - Speed & Distance Zoning, Burlington

NATURAL RESOURCES COMMISSION[571]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 40 “Boating Speed and Distance Zoning,” Iowa Administrative Code.

This amendment is requested by the City of Burlington in Des Moines County to establish a five mile per hour speed zone on the Mississippi River by placement of regulatory buoys in such a way as to define the speed zone area which will be located between the north city docks/boat ramp and the south docks/boat ramp. The marker buoys will be placed no farther than 150 feet from the shoreline and approximately 150 feet from the west edge of the barge channel.

Any person may make written comments on this proposed rule amendment on or before November 25, 2008. Such comments and written material should be directed to the Law Enforcement Bureau; Wallace State Office Building; Iowa Department of Natural Resources; 502 East 9th Street; Des Moines, Iowa 50319-0034. Persons who wish to convey their comments orally should contact Steve Derman of the Law Enforcement Bureau at (515)281-4515.

A public hearing will be held on November 25, 2008, at 9 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who attend the public hearing and have special needs such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement section 462A.17 and 462A.26 of the Code of Iowa.

The following amendment is proposed.

Amend 571—Chapter 40 by adopting the following new rule:

571--40.56(462A) Zoning of Mississippi River, Des Moines County, City of Burlington.

All vessels shall be operated at a speed no greater than five miles per hour within the area designated by marker buoys or other approved uniform waterway markers beginning at the north city boat ramp and public dock and extending downstream to the south city boat ramp and public dock. The zoned area shall extend no farther than 150 feet out from the shore and approximately 150 feet west of the west edge of the barge channel. The City of Burlington shall designate the five mile per hour speed zone with buoys approved by the natural resource commission.

Date

Richard A. Leopold, Director